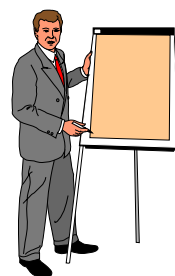


ARTICULABLE SUSPICION

September 2004



MARK VARNEY JOINS PSTC STAFF

Director Keith H. Lohmann announces the hiring of Mark E. Varney as a Law Enforcement Training Specialist with the rank of Lieutenant. He came to PSTC from the Hill Police Department, where he was Chief of Police. He was a member of the cadre for the 134th Police Academy. Lt. Varney is a U.S. Army veteran. He is a graduate of the College For Lifelong Learning, as well as the 113th NH Police Academy and the 51st NH Corrections Academy. He has been assigned to the Basic Training Bureau, and is currently on the staff of the 135th Police Academy. Welcome, Lieutenant Varney!

HAVE YOU CHECKED OUR WEBSITE LATELY?

The New Hampshire Police Standards and Training Council's 2004-2005 Training Calendar was recently mailed to NH law enforcement agencies. This is available on our website by clicking on the link "Training Calendar" on the home page, or directly through <http://pstc.nh.gov/TrainingCalendar.pdf>.

Also, all the 2004 newsletters can be accessed from the home page by clicking on the link "Articulate Suspicion", or you can access them directly at <http://pstc.nh.gov/ArticulateSuspicion.htm>. The newsletter was not issued in February, March or August.

POTENTIAL LANDMINE FOR OFFICERS TESTIFYING IN COURT

Senate bill 452 passed the 2004 session of the New Hampshire Legislature relatively unnoticed and became law as Chapter 118, Laws of 2004, codified under RSA 516:29, Testimony of Expert Witnesses.

This bill states that nobody can offer expert testimony in court unless the court finds that the testimony is based on sufficient facts or data, is the product of reliable principles and methods, and the witness has applied these principles and methods reliably to the facts of the case. In making this determination, the judge must consider (if appropriate to the circumstances) whether the expert's opinions were supported by theories or techniques that have been or

can be tested, have been subjected to peer review and publication in scientific journals, have a known or potential error rate, and are generally accepted in the scientific literature. Fine so far, right? It would appear that this bill, sponsored by Senators Boyce, Gallus, and Roberge, was intended to apply to highly scientific types of evidence such as fingerprints, blood typing and DNA. However, this bill seems to leave some latitude for defense attorneys to claim the bill has some impact on the recent NH Supreme Court decisions that say that horizontal gaze nystagmus in a DWI case is generally accepted in the scientific community and there is no need to hold hearings on its acceptability before allowing it to be presented in court by a police officer.

However, the real mischief occurs in the next section, RSA 516:29. This section says that unless otherwise stipulated or ordered by the court, a party shall disclose to other parties the identity of any person who may be used at trial to present evidence under Rules of Evidence 702, 703, or 705, and that this disclosure, except as otherwise stipulated or directed, shall with respect to a witness who is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony, be accompanied by a written report signed by the witness. The report must contain a complete statement of all opinions the person will express and reasons therefor; the data or other information considered by the witness in forming those opinions; any exhibits to be used as a summary or in support of those opinions; the witness' qualifications, including a list of any publications authored by the witness within the past 10 years; how much the witness is being paid to testify; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years. These disclosures must be made at the times and in the sequence directed by the court, and if no other directions are given, at least 90 days before trial or, if intended to contradict or rebut evidence from the other side, within 30 days of the disclosure made by the other party. No deposition of such a witness may be taken until after such a report has been provided.

This bill took effect on July 16 of this year. It seems fairly clear from the overall context, again, that this bill was intended to apply to highly technical and scientific evidence, not run-of-the-mill, everyday evidence that a police officer might provide in court.

However, some defense attorneys are already taking advantage of it to suppress testimony by police officers in court as to radar readings in speeding cases, Intoxilyzer evidence, and evidence of field sobriety tests in DWI cases. Their basis for this is that New Hampshire case law and Rules of Evidence 702 provide that "if scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact at issue, a witness qualified as an expert by knowledge, skill, experience, training or education, may testify thereto in the form of an opinion or otherwise." Otherwise, Rule 701 says that if not testifying as an expert, a person's testimony is limited to those opinions or inferences which are rationally based on the witnesses' perception and helpful to a clear understanding of the testimony or the determination of a fact in issue. It has long been established in New Hampshire that the decision of whether to qualify a witness as an expert is left to the trial judge's sound discretion, *State v. Hammond*, 144 NH ___, 742 A.2d. 532, 537 (1999). In other words, the "evidence for dummies" quick and dirty take on this would be that any person who has more knowledge than the average layperson on a particular subject may be qualified by a judge to testify as an expert in our courts.

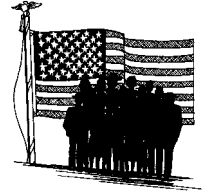
These defense attorneys are making the argument that since an officer, by reason of training or experience, has more knowledge of a particular subject (such as determining sobriety by means of HGN) than the average person, that officer's testimony is now regulated by Chapter 118 and that a written report of what the officer will testify to must be given to the defense 90 days in advance of trial and include a listing of all cases in which the officer has testified as an "expert" during the preceding four years. They are trying to get cases dismissed on the basis that the prosecution did not file such a written report 90 days before the officer testified as to the results of an HGN test, a radar speed reading, etc.

Unless or until there is an appeal to the Supreme Court in a particular case that will allow them to give an interpretation of what they feel the legislative intent behind this bill was, or an Attorney General's opinion regarding it, it will be left to individual courts and judges to decide whether this defense argument has any rational basis or not. The best tactic for someone prosecuting a case who is presented with a motion to dismiss on this basis would be to (1) argue that this new law by its context and language indicates that it

should apply only to highly scientific or technical evidence presented by medical, scientific or engineering personnel, and failing that, (2) to argue for dismissal without prejudice or a continuance to allow preparation of the written report.

Remembering September 11th

The federal Institute of Museum and Library Services has joined with the American Association of Museums in remembrance of September 11, 2001. Since 2002, on the anniversary of the terrorist attack, museums around the country have organized moments of silence, candlelight processions, and memorial concerts. Some offer lectures on world events and democracy, while others have commissioned art work from children, students, and professionals to capture personal responses to the attacks and to reflect hopes for the future. Many choose that day to honor their local fire fighters, police officers, and service men and women.



"Our museums are a reflection of America itself," says Dr. Robert Martin, director of IMLS. "They tell the nation's stories and, on September 11, they will stand with their communities as another chapter in our history unfolds."

Many museums have culled wreckage and artifacts from Ground Zero in New York City, from the Pentagon in Washington, D.C., and from the crash site in western Pennsylvania. The Smithsonian's National Museum of American History has a 9/11 memorial that includes the cell phone and baseball cap of then New York Mayor Rudy Giuliani, a stairwell sign from the World Trade Center, a piece of limestone from the Pentagon, and a uniform of a Navy officer who rescued a Pentagon employee.

NEWS FROM NOBLE DRIVE

The NH Supreme Court recently decided the following cases of interest to law enforcement.

A BIG STEP FORWARD FOR COUNTY SHERIFFS

In *J. Daniel Linehan, High Sheriff v. Rockingham County Commissioners*, decided July 16, 2004, the Supreme Court basically reaffirmed a ruling of Judge Philip Mangones in the Superior Court, that says County Commissioners cannot interfere with the law enforcement duties of a Sheriff, but his office is subject to their budgetary control. The Sheriff had hoped, as an elected official, to have total control of his budget as well, but this was not to be. Nevertheless, the decision effectively isolates the Office of the Sheriff from political interference with its

law enforcement operations.

Associate Justice James Duggan penned the unanimous decision for the Court. The Sheriff had claimed that as an elected, constitutional official, he should have exclusive authority over his department, including purchasing and personnel policies, as long as he did not over-expend his appropriations. The High Court disagreed, and as did the lower court before it, drew a distinction between law enforcement operations and purely administrative functions. They said the Sheriff has common law powers and duties the same as he had when the State Constitution was adopted, but that the Legislature can increase, decrease, or modify them, except for his duty to deliver writs of impeachment. The common law powers of the Sheriff generally include keeping the peace, preventing and detecting crimes, enforcing laws, raising a posse and arresting persons who have committed crimes, providing security for the courts, serving criminal warrants, writs and summonses, and transporting prisoners. A Sheriff, as well as his or her deputies, has authority in any county in the state, not just the county that elected him or her.

The Legislature has also vested the authority and control of county government in the County Delegation and the County Commissioners. The Sheriff has total control over the provision of law enforcement services by his department and the terms and conditions of employment of his deputies, so long as he stays within his approved budget. The Commissioners may not interfere with his direct provision of law enforcement duties. The Commissioners are responsible for daily financial management and control of county assets and liabilities, subject to the authority of the County Delegation. They can enact policies to safeguard assets and monitor liabilities, and the Sheriff must cooperate with these policies as long as they do not directly interfere with his ability to provide law enforcement services. Civilian positions in his department come under control of the County Personnel System, but the Deputy Sheriffs are subject only to the control of the Sheriff, because they are law enforcement employees. Any of the Commission's policies that impede the Sheriff's authority to provide law enforcement services must yield to the Sheriff's constitutional mandate.

The County Commissioners have authority to impose line item spending freezes and control the transfer of money between appropriations in the Sheriff's budget. The Sheriff is also required to abide by any County policies regarding competitive bidding and procurement and RSA 28:L8-f, I applies this to the Sheriff as well.

COMPULSION TO PROVIDE DNA SAMPLE DOES NOT CONSTITUTE SELF-INCRIMINATION

Writing his first opinion as a member of the Supreme Court, new Associate Justice Galway upheld the defendant's conviction of aggravated felonious sexual assault in *State v. Dwayne Hearn*, decided unanimously on July 15, 2004. In doing so, he settled the question of whether the Fifth Amendment to the U.S. Constitution and Part I, Article 15 of the State Constitution's self-incrimination provisions prevent the police from obtaining a court order and requiring a suspect to submit blood or saliva samples for the purpose of comparing his or her DNA with an evidentiary sample of DNA found at a crime scene.

In this case, Hearn raped a 14-year-old girl working at the Circle Restaurant in Epsom and living with the defendant, who also worked at the restaurant and had been previously married to the girl's mother. When the victim reported the rape, which occurred at his apartment, the police executed a search warrant and recovered a particular fitted bed sheet that was on the bed where the victim said the act occurred. A lab test detected seminal material on the sheet, and the police sought a court order to compel the defendant to submit a sample of his DNA for testing. Hearn objected and claimed that to do so would constitute self-incrimination and violate his rights. The trial court ordered him to provide the sample. On appeal, the Supreme Court said the privilege against self-incrimination originated as a reaction to the practice in early English courts of compelling a witness to be sworn and give testimony concerning his guilt, *State v. Arsenault*, 115 NH 109 (1975). The privilege against self-incrimination applies only to evidence provided by a defendant that is not of testimonial character, *State v. Cormier*, 127 NH 253 (1985). It does not protect people from compulsion that makes them the source of physical evidence, such as standing in a lineup, speaking certain words, submitting to fingerprinting, photographing, measurements, giving a handwriting sample, assuming a stance, walking, making a particular gesture, or appearing in court, *Schmerber v. California*, 384 U.S. 757 (1966). DNA samples, too, are non-testimonial in nature, and compelling an accused to provide such a sample does not violate the State or Federal Constitutions. Although the State Constitution, unlike the Federal one, speaks to "furnishing" evidence against oneself, the difference in wording between the State and Federal self-incrimination clauses does not cause them to differ so much in scope as to prohibit compelling a DNA sample. Although the U.S. Supreme Court has not yet ruled on a case where DNA samples were compelled, prior federal cases on compulsion of other types of physical evidence led the NH Court to believe

that the federal courts would rule the same way on DNA evidence.

Next, the defendant claimed there was prosecutorial misconduct in the case when the Assistant County Attorney commented in his closing argument on the failure of the defense to cross-examine the victim, and in stating that the jury could tell the victim by its verdict that they believed her testimony. The defendant immediately moved for a mistrial, but the Trial Court denied his motion and instead issued a curative instruction to the jury that the defendant was under no obligation to cross-examine any witness and the jury should draw no conclusions from his failure to do so. The Supreme Court agreed that the prosecutor's first comment improperly shifted the burden of proof from the prosecution to the defense. However, they felt the judge's curative instruction was sufficient to correct the error, and saw no reason to grant a mistrial. They said the prosecutor's comment was isolated and not deliberate, and was not likely to affect the outcome of the case.

Next, Hearn argued that where an element of the case was that the victim was a member of the same household as the defendant (thus making it aggravated felonious sexual assault), and since there is no definition of "household member" in the sexual assault statute, the Court should have taken the definition in the domestic violence law, RSA 173-B: 1, which covers spouses, ex-spouses and the like, but specifically omits minor children. Instead, the Trial Court in its instructions to the jury used a definition supplied by federal regulations used in social programs. The Court agreed with the Trial Judge, and said that the definition in the domestic violence law does not apply to the sexual assault law, because excluding minor children from being victims of this crime "would be antithetical to the very purpose of the statute."

Hearn then argued that the evidence in the case was insufficient to support a conviction. The Supreme Court disagreed. They found that the evidence was overwhelming for a conviction. The defendant had once been married to the victim's mother, she called him "Dad", and he was around most of the time when she was growing up, she testified consistently with what she had told the police, and there was DNA evidence as well.

Finally, Hearn argued that he was prejudiced by the Court when the Trial Judge would only allow him to introduce evidence that perhaps there was another source of the DNA on the sheet, if he allowed the prosecution a continuance in order to scrutinize that evidence. Hearn said he was thus forced to choose between his right to a speedy trial and his right to introduce new evidence. The Court disagreed. They

said the Rules of Evidence require such a motion to be made at least 45 days before the trial. The Judge was being more than fair in allowing the motion and it was not unreasonable to grant the State a continuance in the interest of fairness to them, if he granted the motion. Guilty as charged.

ABSENCE FROM STATE TOLLS STATUTE OF LIMITATIONS

In *State v. Allen Nadler*, decided July 15, 2004, the Supreme Court upheld the defendant's prosecution for a 36-year-old felony charge of unnatural and lascivious acts, in violation of RSA 579:9, a 1955 law that was repealed in 1973. As this was in interlocutory appeal direct from the Superior Court to determine before trial whether the case could go forward, the matter has now been remanded to the Superior Court for trial.

The defendant was indicted last year for acts that took place in 1967, when the victim, now 49 years of age, was only 13, and the defendant was a student at Dartmouth College, and employed as a tutor for the alleged victim. Following his graduation from Dartmouth in 1967, Nadler left the state and has not been a NH resident since that time. The victim told his parents about the alleged assault in 1967, but they did not believe him and never told the police. The victim did not report the matter to the authorities until 2002, and they investigated and brought two indictments against Nadler.

Nadler claims the statute of limitations that was in effect in 1967 bars prosecuting him and violates his due process rights by bringing charges so late that it is difficult for him to mount a defense to them. The Supreme Court disagreed, however. The defendant said because the statute of limitations in RSA 603:1 at the time stated "the time during which the party charged was not usually and publicly resident within this state shall not be reckoned" as part of the statute of limitations. He claims this is intended only to apply to someone who was already charged when they left the state, and who fled to avoid prosecution. The Supreme Court said that by using the language, "not usually and publicly resident within this state", the Legislature clearly intended the statute of limitations to be tolled for anyone who committed a crime and then left the state, regardless of the reasons they left and regardless of whether they had been charged or not at the time they left.

As to whether the delay in charging him violated his due process rights, the Court said there was no proof the government's delay in bringing an indictment was a deliberate device to gain an advantage over him or impede his ability to present his defense. The delay was not caused by the State, but by the victim.

Therefore, the delay was neither arbitrary nor unreasonable. The State did not delay pursuing him once the victim had reported the crime. Therefore, he must stand trial.

National Employ the Older Worker Week, Sept. 19-25

By presidential declaration, every third week in September is deemed National Employ the Older Worker Week to honor the country's senior work force. The Bureau of Labor Statistics reports that 13 percent of American workers today are 55 and older. It projects that number to increase to 20 percent by 2015.



According to the California Department of Aging, senior employees bring experience, knowledge, and loyalty to the work place. "They understand the importance of customer service and exhibit good judgment. In addition, older workers are committed to their employers, have excellent attendance, and create a stable environment."

Every year, Experience Works, the country's largest provider of training and employment for seniors -- holds a national search for "America's Oldest Worker." To be considered, applicants must be 65 or older and work a minimum of 20 hours a week in paid employment; the outstanding older worker with the earliest birth date wins the title. Last year's winner was Dr. Russell Clark, a 103-year-old real estate developer from Orem, Utah.

All of the past winners have been 100 years or older, working almost full time at their professions. They include a 102-year-old college professor, a 100-year-old architect, a 102-year-old mechanical engineer, and a 100-year-old doctor.

MASSACHUSETTS COURT STRIKES A BLOW AGAINST HOMELAND SECURITY

The Massachusetts Supreme Judicial Court, in *Commonwealth v. David C. Carkhuff*, recently ruled that police on an anti-terrorism patrol along the shores of a Western Massachusetts reservoir had no right to stop motorists, even an alleged DWI. They said the State Police should have posted warning signs before stopping vehicles on a narrow road running alongside Cobble Mountain Reservoir, designated a potential "soft target" for terrorist acts shortly after 9/11/01.

Troopers stopped Carkuff on October 15, 2001, during the wee hours of the morning. They quickly ruled him out as a terror suspect, but determined that he was driving drunk, and he was arrested after failing field sobriety tests. The District Court suppressed the evidence on the basis that his arrest was illegal, and the Supreme Judicial Court agreed. "The State Police failed to minimize the obtrusiveness of the stop and

search procedures at the reservoir," the Court said. "On that basis alone, the suspicionless stop of vehicles along Cobble Mountain Road fails to meet the standards required of a constitutionally permissive administrative search." The Court noted that at airports and courthouses, signs are posted warning people they are subject to search. No such signs were posted around the reservoir. The Troopers were under orders to check all vehicles and search large ones, like rental trucks, for potential toxins. The reservoir provides the water supply to the nearby city of Springfield and surrounding towns.

HOMELAND SECURITY CONTINUES TO EVOKE CONCERNS

The Department of Homeland Security urges law enforcement and the public to continue to be on alert for suspicious persons and circumstances, and believes that it is just a matter of time before Al Queda mounts another large-scale attack somewhere in the nation.

Al Queda's targets typically have been of symbolic significance directed at the infliction of mass casualties or spreading panic, and are driven more by operational considerations than by specific time frames. "They only have to get it right once, we have to get it right 100% of the time," as President Bush's National Security Advisor, Condoleezza Rice, has said.

The wide range of possible "soft targets" in the infrastructure include nuclear power plants, dams and other electricity generating facilities, fuel farms, gas stations, refineries and pipelines, trains, freight trains carrying toxic industrial chemicals, rail and roadway bridges and tunnels, financial institutions and government buildings, civil aviation, shopping malls and places that attract large numbers of people.

In recent overseas attacks, terrorists have employed small arms equipped assault teams, large vehicle borne explosives devices, backpack bombs, and suicide bombs. Enhanced security may complicate, disrupt or prevent terrorist planning. "Situational awareness," the studied observation of one's surroundings to identify abnormal persons, things or conditions, is the first step in thwarting terrorism. Few attacks are carried out without pre-operational surveillance of the intended target. Possible indicators of this include pedestrian surveillance by several cooperating individuals, mobile surveillance by bicycle, motor vehicle, boat or small aircraft, persons or vehicles noted in the same location on multiple occasions or for long periods with no apparent legitimate reason, persons who do not fit the surrounding environment, taking notes or pictures in an area not normally of such compelling interest or

wearing improper attire for the weather conditions, persons adopting cover activities for surveillance such as pretending to be a homeless person, demonstrator, street vendor or some other identity not usually present in an area, persons videotaping or photographing security cameras or guard locations, or exhibiting unusual or prolonged interest in security measures or personnel, access points and controls, or perimeter barriers such as fences or walls. Another indicator is an increase in anonymous threats or phone calls to police in order to observe how long it takes them to respond, or direct questioning of security or facility personnel.

Suicide bombers overseas often give their identities away by wearing loose fitting clothes, overdressing in hot weather, having protruding bulges or wires under their clothing or through a sleeve, emitting strong chemical odors, sweating, mumbling prayers or being unusually calm and detached, attempting to gain a position near crowds or VIP targets, posing as a soldier, medic, firefighter, police officer, or pregnant woman, repeatedly patting themselves to check the location of a trigger or switch, carrying inappropriate baggage such as a large briefcase, backpack or duffel bag into a restaurant or night club, having luggage or a gym bag that obviously weighs more than what would be considered normal, or tightening their hands or plunging them continually into their pockets. They may be either male or female, or a male/female team.

Officers should maintain situational awareness and an awareness of world events, ongoing threats and the potential for pre-operational surveillance. They should vary the size, timing and routes of patrols. They should approach illegally parked vehicles in and around potential targets, question drivers and direct them to move immediately, and if the owner cannot be identified and it is legal to do so, have the vehicle towed. Patrol cars should randomly and frequently park in and around potential targets.

Police and fire departments should review their contingency plans, develop and implement procedures for acting on intelligence information, terrorist response procedures, evacuation procedures, bomb threat and hostage/barricaded subject procedures, chemical, biological and nuclear threat procedures, and incident command system. They should plan and conduct training exercises involving all emergency responders - police, fire, medical, and public works. They should conduct vulnerability studies to identify potential local targets.

First responders should not attempt to negotiate with potential suicide bombers, because their primary object is murder and they are likely to detonate the bomb once they realize they have been detected. First responders should always search for secondary

devices and associates of the suspect following the initial attempt or attack. It is not uncommon for terrorists to place secondary devices with the express purpose of detonating them to kill emergency workers responding to the first incident. These devices may be hidden in everyday objects such as flower pots, garbage cans, vehicles, or briefcases and backpacks. A second suicide bomber may also be present.

Steroid Abuse in High School

Charles Yesalis, professor of exercise and sport science at Penn State University, says steroid use among high school athletes is at an all-time high. He estimates that as many as 600,000 teenagers have used these drugs. Anabolic steroids are synthetic substances, related to male hormones, that promote muscle growth and improve athletic performance. Unfortunately, they also add to the risk of liver tumors, cancer, jaundice, high blood pressure, heart attacks, and stroke. Adolescents who take steroids can halt their growth permanently. Increased irritability and anger are common side effects. According to the National Clearinghouse for Alcohol and Drug Information, the signs of steroid abuse include:

- Jaundice (yellowing of the skin)
- Swelling of feet or ankles
- Bad breath
- Mood swings
- Suicidal thoughts
- Aching joints
- Severe acne
- Trembling
- Nervousness

Boys may show signs of baldness; girls can develop facial hair and/or a deeper voice.

TURBANS DO NOT A TERRORIST MAKE

The turban is a long piece of cotton, silk or synthetic cloth, up to 12 feet in length, wound around the head and held on by its own tension, gravity, or a chinstrap.



These head coverings are common in many parts of the world as a response to scorching heat and dust in certain countries. Many of citizens of these countries, when they visit in or move to the U.S., continue to wear their turbans. Sikhs, members of the world's fifth-largest religion, wear turbans and carry ceremonial daggers, for instance. Sikhs have no connection to known terrorist groups, and their religion believes in equality for all people (egalitarianism). Wall carvings on caves dating back 3,000 years show that people wore turbans way back then - before either Islam or Christianity. By 1000 A.D., the turban had come to connote power and authority in some countries. The type of turban sometimes helps to identify people along cultural, religious, political or social lines. Many Muslim spiritual leaders wear

turbans whenever they go out in public. Not all Muslims wear turbans, and not all people who wear turbans are Muslim. None of the 9/11 hijackers wore a turban. Turbans are a poor predictor of a person's terrorist inclinations.

HR 218 PASSES CONGRESS AND IS SIGNED INTO LAW BY PRESIDENT BUSH

HR 218 recently became federal law. It amends Title 18, USC to provide that an individual who is a qualified law enforcement officer and carrying a valid identification as such from any state, may carry a concealed and loaded firearm in any of the 50 states without a license from an individual state, provided they pass regular firearms qualification and are not under the influence of alcohol or drugs at the time. It also allows retired law enforcement officers who retired in good standing to do the same, if they were employed for 15 years or more on a regular basis, have met the state's firearms qualification standards within the past 12 months, and carry valid photo credentials and proof of passing firearms qualification.

This law does not prevent state, local and county police and sheriffs' departments from enforcing SOP's that put limits on when and where their officers can carry firearms, such as policies that prevent carrying in social situations where alcoholic beverages will be consumed, etc. PSTC will be providing further guidance on this law in the near future. IADLEST, the International Association of Directors of Law Enforcement Standards and Training, is attempting to provide some national guidance on this law, in order to be consistent in applying it from state to state. Whether or not the national effort is successful, PSTC will provide further guidance within the next 60 days or so.

TRAINING THE WRONG PEOPLE?

Prison inmates across the country have been enrolled in on-line courses given by the FEMA, the Federal Emergency Management Agency, that provide an understanding of terrorism protective measures and disaster assistance.

FEMA now says it will move toward restricting access to some of this information to those who have a legitimate need for the training, and will assess who has enrolled in these courses. A recent report by the Inspector General of the Department of Justice indicates that prison inmates are targets for terrorist recruitment and could form part of a terrorist support structure. Some of the classes prisoners have been accessing include those on the Incident Command System, Contingency Planning for Public Safety Agencies, Radiological Emergency Preparedness,

Emergency Response to Terrorism, and Household Hazardous Materials.

WHEN WARNING OF IMPLIED CONSENT RIGHTS, QUOTE THE LAW ACCURATELY

In a recent Belknap County Superior Court case brought against the Division of Motor Vehicles, a Department of Safety Hearings Examiner was overturned in his decision to suspend the driver's license of a DWI for failure to submit to a breath test.

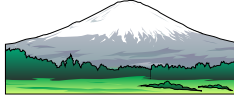
In this case, the driver stalled and would not give the officer an answer as to whether or not he would submit to a chemical test. Eventually, the officer warned the driver that unless he decided one way or the other, the officer would deem it a refusal and request a license revocation. The officer did so, and the Hearings Examiner upheld the officer's decision. However, the defendant claimed the arresting officer misled him as to the possible length of the license revocation if he refused the test versus if he took the test and tested over the legal limit.

In *Christopher Flynn v. Director Virginia Beecher*, Belknap County #04-E-101, Flynn was stopped for 91 mph in a 65 mph zone on Interstate 93, believed to be under the influence, and arrested. The Trooper spent more than 40 minutes with Flynn discussing his options about the test and whether he could consult with friends or a lawyer. Finally, the Trooper told him that unless he agreed to take the test, he would deem it a refusal and proceed accordingly. However, the officer incorrectly advised Flynn of how long his license would be suspended for, both in the event that he refused the test and in the event that he took the test and tested over the limit. The DOS Hearings Examiner upheld the refusal and the Director of Motor Vehicles suspended the license. This appeal followed and Flynn's counsel claimed the officer, in informing Flynn of the possible consequences, substantially overestimated the time period for testing over the legal limit, and substantially underestimated the time period for failure to take the test. Justice Harold Perkins said there was no evidence to indicate whether the defendant's refusal to make up his mind was deliberate stalling, or confusion as a result of the misinformation. Although an officer is not required to inform a defendant of the exact consequences of a refusal - only that his or her license will be suspended - if the officer does so inform, the information given must be accurate. Accordingly, the Hearings Examiner's decision was overturned and the license was restored. Although a Superior Court case does not have the force of precedent statewide, the outcome would have likely been the same in many other Superior Courts.

Tip: You don't have to warn a driver of all possible consequences of taking or refusing a test - only that their license can be suspended; but if you DO choose to quote the law to them, be sure you quote it accurately.

All About Volcanoes

A volcano is a conical hill or mountain above a pool of molten rock. When pressure builds up from gases in the Earth, the volcano erupts, spewing ash and lava for up to a 20-mile radius. Eruptions can last for a few hours to several years; the average length is 49 days. Kilauea in Hawaii is the world's most active volcano; it has been erupting continuously since 1983. Volcanoes were named after Vulcan, the blacksmith of the Roman gods. It was thought volcanoes were the chimneys of his forge. More than 80 percent of the Earth's surface is of volcanic origin, and there are about 500 active volcanoes above sea level. More than half are located in a circle in the Pacific Ocean known as the Ring of Fire. The most destructive volcano in the history of the United States was Mount St. Helens in Washington state, which erupted on May 18, 1980, killing more than 50 people and causing \$1 billion in property damage. The largest eruption in the world since Greece's Santorini in 1500 B.C.E. was in 1912 at Novarupta on the Alaska Peninsula, which ejected nearly seven cubic miles of ash and lava in 60 hours, forming the 40-square-mile Valley of the Ten Thousand Smokes. Another notorious volcano was the one on Krakatoa Island in the Indian Ocean. After it erupted in 1883, only a third of the island remained above sea level and more than 30,000 people were dead.



TROUBLE BREWING FOR FORCING CRASH-RELATED DWI TESTS

Five of the state's ten Superior Courts have recently suppressed hospital blood tests taken at the request of police officers under RSA 265:93 when drivers were involved in crashes resulting in death or serious bodily injury and the tests were taken without the person's consent. These include *State v. Mugford*, #02-S-2951 in Rockingham County, *State v. Drew*, #02-S-#460 in Grafton County, *State v. Guyette*, #01-S-246 in Cheshire County, *State v. Tivedo*, #98-S-581-F in Strafford County, and the most recent was *State v. Anthony Perry*, #03-S-060 decided by Justice James D. O'Neill, III in Carroll County. None of these cases has the force of precedent and the NH Supreme Court has not yet been asked to decide the issue, but this law that is so important in the prosecution of drunk drivers who cause death or personal injury has now been gutted on constitutional grounds in half the Superior Courts in the state.

In the case of Perry, he was the cause of a two-car crash causing serious bodily injury to both passengers in the other car. He was transported to the hospital in Conway after the crash, accompanied in the ambulance by a police officer to retain custody. A Trooper responded to the hospital and told Perry that she was going to ask the hospital to draw his blood pursuant to RSA 265:93, which provides for this to be done as long as the officer has "probable cause to believe the driver caused the collision." The blood was drawn and revealed the presence of controlled drugs in the driver's system, and he was indicted for Aggravated DWI. His lawyer brought a motion to suppress the blood test evidence under the State Constitution. He contended that Part I, Article 19 of the State Constitution says that no search can take place without a warrant except if "conducted within the narrow confines of a judicially crafted exception." Since RSA 265:93 was passed by the Legislature and not a judicially crafted rule, he claimed a search warrant was required to draw the blood - in other words, that the Legislature cannot create an exception to the search warrant requirement. He also argued that even if the law was valid, the search was invalid because it occurred without probable cause - the only probable cause the law required was that the person caused the collision, and not probable cause to believe that a crime had been committed, i.e., that the blood would contain evidence of alcohol or drugs.

The State argued the search fell under the "special needs" exception (similar to exigent circumstances but not exactly the same), *State v. Drake*, 139 NH 662 (1995). To prove such an exception requires a balancing test between the nature and quality of the intrusion into the defendant's personal privacy and the importance of the governmental interests alleged to justify the intrusion, and that the special need be "beyond the normal need for law enforcement", *State v. Zeta Chi Fraternity*, 142 NH 16 (1997).

While recognizing that in *State v. Leary*, 133 NH 46 (1990) the NH Supreme Court has recognized the fact that alcohol and other drugs are eliminated from the bloodstream at a constant rate that is a factor justifying exigent circumstances for a search, the High Court has not specifically ruled that this rate of metabolism of alcohol or drugs in the bloodstream in the absence of other special circumstances, is sufficient exigent circumstances to draw blood without permission or a warrant. Likewise, because in *State v. Sterndale*, 139 NH 445 (1995) the Supreme Court has attached a greater privacy right to automobiles and their drivers than the U.S. Supreme Court does, Judge O'Neill opined that unlike other cases where the Supreme Court has upheld warrantless seizures of evidence, such as from a probationer or parolee who has lesser expectation of privacy in a search by their

probation/parole officer, in this case the driver did not have a diminished privacy expectation.

Admitting that statistics show that 40% of the fatal crashes in New Hampshire in a recent year involved drugs or alcohol, Judge O'Neill found that there are no "special needs beyond the normal need for law enforcement" that justify taking the blood without probable cause and a warrant and thus the search was "unconstitutional on its face." O'Neill went on to rule that the Trooper and the officer already believed the defendant was impaired, and that belief "may have amounted to probable cause." Therefore, he reasoned, the defendant could have been given his Implied Consent rights and if he refused the test, his license could have been suspended and evidence of his refusal to take the test would have been admissible at trial, *State v. Parker*, 142 NH 319 (1997). The evidence of the test was therefore suppressed.

This is a serious issue, since following this thought process equates the threat of a license suspension under the DWI laws commensurate to a felony sentence a driver might face in a negligent homicide with a motor vehicle case. It is interesting also to note that a majority of states have similar laws, passed at the urging of federal highway safety authorities who want to track the ongoing involvement of alcohol and drugs in fatal and near-fatal motor vehicle crashes. Nevertheless, it appears that officers in at least those five counties should be hesitant to rely on RSA 265:93 to order blood drawn from living drivers without probable cause to believe they are impaired, and either a search warrant or exigent circumstances sufficient to justify taking the blood without a warrant. To draw blood without a search warrant in those counties, just how much would be required beyond the fact that intoxicants in the blood metabolize over time would be required is unknown, but certainly important factors would be such things as the time of day or night, the elapsed time that would be required to produce an affidavit and locate a judge, and the elapsed time between the crash and the officer's forming an opinion that it was more probable than not that the driver was impaired at the time of the crash.

English is a Wordy Language

Different dictionaries peg the number of words in the English language at between 450,000 to 790,000. Linguists attribute the wide discrepancy to variations in accounting for multiple tenses, pluralizations, and meanings. For example, some dictionaries don't count "person" and "persons" as two separate words, but others do.

More than 750 million speak English, but less than half consider it their native language.

According to Bill Bryson, author of *The Mother Tongue*, there are 200,000 English words in common usage, which is more than German at 185,000 and French at less than 100,000. Bryson contends that William Shakespeare used a vocabulary of only 33,000 words. Other linguists say that the average person knows about 20,000 words and uses 2,000 different words in any given week. Still others assert that most people have learned 60,000 words by the time they reach 18, for an average of 10 new words a day from the first birthday on.

CLASS ON LAW ENFORCEMENT AND DIVERSITY

The New Hampshire Sheriffs' Association invites all law enforcement officers to attend a one-day seminar entitled "Creating a Culture of Integrity: Law Enforcement and Diversity in New Hampshire."

As New Hampshire's demographics change, and there is an increase in diversity in the population, it is important for law enforcement officers' safety, as well as homeland security issues, that some barriers come down and preconceptions change. This is an opportunity for officers to learn about new and diverse cultures. The training will include a panel of NH residents from various ethnic groups, who will discuss issues related to their lifestyles, family dynamics, treatment of children, and interaction with law enforcement officers. The content will focus on breaking down barriers with the various ethnic cultures we are serving in New Hampshire.

The presentation will be given twice, once on November 8 and repeated on November 9, 2004, at the Chase House, Flagship Ballroom, Route #3, Meredith, NH. It will begin at 9:00 a.m., and lunch and refreshments are included. Because the seminar is funded through a grant from the United States Department of Justice (COPS Office), there is no fee for participants.

This seminar is for all levels of a department, from new officer to head of the agency. In order to attend one of the two sessions, please apply to Police Standards using the normal in-service application process. Seating is limited to 60 persons per day. All applications must be received by October 20, 2004. If you have any registration questions, contact Captain Jeffrey Noyes at Police Standards at 271-2133. For

any questions involving the seminar, directions, etc., contact the Belknap County Sheriff's Office at 527-5454.

For those officers in need of their eight hours of in-service training to satisfy Police Standards & Training Council rule Pol 403.01(a), this class can be applied to that requirement.

CLASS AT ROGER WILLIAMS UNIVERSITY

The following class will be held at the Roger Williams University Baypoint Inn & Conference Center, 144 Anthony Road, Portsmouth, RI:

"Field Training & Evaluation Program – Coordinator Course" will be held on October 13-14, 2004. It is designed to provide practical information for police administrators or mid-level managers. Based on the "San Jose Model", the course will cover a variety of topics relating to field training evaluation. The cost is \$130, which includes materials, breaks, and lunches.

To register for these classes, or for more information, Contact Denise Owens at (401) 254-3320, or Liz Campo at (401) 254-3731.

FORMER EPSOM CHIEF INJURED IN IRAQ

Former Epsom Police Chief Henry L. Farrin, Jr. left New Hampshire last December to take up law enforcement work in Florida. A few days after arriving there, he was called up for service in Iraq as a member of the 172nd Mountain Division of the NH National Guard. In August, Chief Farrin was wounded in combat by a roadside bomb in Iraq, the same day that his Port Charlotte, Florida home was flattened by Hurricane Charley. Chief Farrin was shipped to Germany for treatment of his head wound, and will be returning home to check out the damage to his new Florida home.

IN MEMORIAM, WILLIAM CANNEY

It is with deep regret that the Milton Police Dept. announces the death of William M. Canney. Mr. Canney served as the Chief of Police in the Town of Milton, NH from March of 1983 until his retirement in July of 1992. Bill started his law enforcement career as a part-time officer in Milton in 1978, became part-time Chief in 1982, and took over the position of full-time Chief in 1983. After his retirement, he opened "Hook, Line and Sinkers," a local bait shop. He also stayed active in town politics, serving as a Selectman for the Town of Milton. Our condolences to his family.

IN MEMORIAM, GILBERT VAAL

Gilbert A. Vaal died on August 24 at the age of 69, after a long illness. He served with the Manchester Police Dept. for 22 years, retiring in 1980 as a Lieutenant. He later worked as head of security for the Mall of New Hampshire and as a bailiff for Hillsborough County Superior Court. He also served three terms on Manchester's police commission. Our condolences to his wife, Agnes, his five children, and other family members.

IN MEMORIAM, CARL MCKENNEY

Carl C. McKenney, retired Assistant Chief of the State Liquor Commission's Bureau of Enforcement, died recently at a nursing home at the age of 83. Carl was a World War II veteran of the Army Air Corps and was awarded battle stars for every major campaign in the European theatre. Born in Maine, Carl worked for 10 years as a police officer in Massachusetts, and was employed by the SLC for 21 years, holding every position in the Bureau of Enforcement, up to and including the rank of Assistant Chief. Our sympathies go out to his wife of 56 years, Mary, and his four sons, daughter, grandchildren, great-grandchildren, sisters, cousins, nieces and nephews.

IN MEMORIAM, JERRY WHITNEY

Deputy Chief Jerry Whitney, of the Grantham Police Department, recently died after a long and courageous bout with cancer. Our condolences go out to his family, friends and colleagues.

IN MEMORIAM, HAROLD ALDRICH

Harold L. Aldrich of Milford recently died at a local nursing home, at the age of 89. Harold was a former police officer in Northbridge, MA, and later served as Police Chief in Amherst. He was a World War II veteran. Our condolences to his daughter, his grandson, his brother, and to all his friends and relatives.

IN MEMORIAM, BILLY YOUT

Billy Yout, longtime DEA Resident Agent in Charge of their New Hampshire office, died recently after a valiant fight against brain cancer, at the age of 57. He ran the Concord DEA office from 1993 to 2002, when he left to join DEA's counter-terrorism unit. He battled the disease for 18 months, even participating in a Walk-a-Thon in a wheelchair to raise awareness about brain cancer. He was a Vietnam veteran and had been assigned to Boston, Miami, Los Angeles and New York, including working undercover. Our condolences go out to his family and many friends.

RETIREMENTS

Chief Dayna Strout, Milan PD
Chief William Farnum, Troy PD
Capt. Douglas Donlon, Rochester PD
Officer W. John Caldwell, Rochester PD
Lt. William Barlow, Nashua PD
Lt. William Newman, Derry PD
Lt. Edmond Cournoyer, Fish and Game Department
C.O. John Lounsbury, NH Dept. Corrections
Officer Carl Patten, Keene PD

PROMOTIONS

Sgt. Richard Young, Sandwich PD, to Chief
Wayne Rioux, appointed Chief of Whitefield PD
Howard Sheats, appointed Chief of Troy PD
Sgt. Patrick Manthorn, Seabrook PD, to Deputy Chief
Lt. David Ferland, Portsmouth PD, to Captain
Lt. Russell Conte, NH State Police,
to Investigative Services Bureau Captain
Sgt. Michael Hambrook, NH State Police,
to Lieutenant, Troop A
Sgt. John LeLacheur, NH State Police,
to Lieutenant, Troop B
Sgt. Mark Liebl, NH State Police,
to Lieutenant, Headquarters
Officer Jason Allen, Seabrook PD, to Sergeant
Officer Lee Bitomske, Seabrook PD, to Sergeant
Officer Brian Michael, Epsom PD, to Sergeant
Sgt. Normand Marquis II, NH Dept. Corrections,
to Unit Manager
CO Glenn Daniels, NH Dept. Corrections, to Corporal
CO James DeMaio, NH Dept. Corrections, to Corporal
CO John Marescia, NH Dept. Corrections, to Corporal
Sgt. John Zeller, Keene PD, to Captain
Cpl. Richard Richards, Keene PD, to Sergeant
Officer Brian Costa, Keene PD, to Corporal
Sgt. Keith Moreau, Derry PD, to Lieutenant
Officer Jonathan Breen, Derry PD, to Sergeant
Sgt. James Goss, NH Fish & Game, to Lieutenant
C.O. Kevin Jordan, NH Fish & Game, to Lieutenant
C.O. John Wimsatt, NH Fish & Game, to Lieutenant
Officer Stephen Cox, Littleton PD, to Sergeant
Officer David Wentworth, Sugar Hill PD, to Sergeant
Officer John Drury, Farmington PD, to Sergeant
Officer David Hall, Middleton PD, to Corporal

Musical Benefits

According to the National Association for Music Education, research has shown that children who play musical instruments do better in math and reading and score higher on IQ and SAT tests. Learning an instrument can also help budding athletes by developing their coordination, sense of timing, self-discipline, and diligence.

DETECTIVE MUISE HONORED

Detective Christine Muise of Derry PD has received a certificate of appreciation from the U.S. Postal Inspection Service for her role in the arrest of a former Derry woman for multiple identity theft crimes. Detective Muise worked with local, state, and federal police in the investigation that resulted in the arrest.

MIKE DUMONT IS OFFICER OF THE YEAR

Chief Dean Crombie of Somersworth PD has announced that Officer Michael Dumont is the police department's 2003 "Officer of the Year." In August of 2003, Officer Dumont entered a burning building, carried out a wheelchair-bound man, and led another person to safety as well. Mike has worked for Somersworth PD for 22 years, performing various duties, including firearms instructor and field training officer.

DAVID FERLAND PROMOTED TO CAPTAIN IN PORTSMOUTH

The Portsmouth Police Commission has promoted Lieutenant David J. Ferland to the rank of Captain. He has been with Portsmouth PD for 21 years, and has a Bachelor's Degree in Criminal Justice and a Master's Degree in Criminal Justice Administration and Management. He was the Founder and Chief Administrator of the Working Dog Foundation of NH and is internationally known for his work in the field of K-9 policing. Capt. Ferland has also been involved in Portsmouth's Explorer cadet post, and he is a faculty member of Hesser College. He was recently named by U.S. Senator John Sununu as the recipient of the NH Congressional Law award.

PROMOTIONS AT NH FISH & GAME

Colonel Jeffrey Gray, Chief of Fish & Game's Law Enforcement Division, announces the promotion of three senior Conservation Officers to the rank of Lieutenant. The Division is responsible for the enforcement of all laws, rules and regulations pertaining to fish and wildlife.

Sgt. James S. Goss, of Moultonborough, will head up District Two, which serves the Lakes Region and the southeast area of the White Mountains. He brings a wealth of knowledge and experience in dealing with challenging search and rescue missions in both woodlands and inland waterways of the state. He also has been active in community relations and outdoor education activities. Lt. Goss joined Fish & Game in 1987, and in 1998, he was named Northeast Conservation Law Enforcement Chiefs' Association's Conservation Officer of the Year.

Conservation Officer Kevin J. Jordan, of Groveton, will take charge of District Five, which serves the south-central area of the state. He is noted for his outstanding investigative capabilities, including case preparation and courtroom prosecution. An articulate public spokesperson, Lt. Jordan is a member of the select Critical Incident Response Team and the Advanced Search and Rescue Team. He joined Fish & Game in 1994, and 1998, was presented with an Award of Valor from the North American Wildlife Enforcement Officers Association.

Conservation Officer John B. Wimsatt, of Salisbury, will assume command of District Six, located in the Seacoast area of the state. He has excelled in outdoor education and community relations, and is a member of Fish & Game's Dive Team and Advanced Search and Rescue Team. Lt. Wimsatt has worked for Fish & Game for 12 years. In 2001, he was selected as the Northeast Conservation Law Enforcement Chiefs' Association's Conservation Officer of the Year.

THREE MILFORD PD OFFICERS RECEIVE MEDALS & COMMENDATIONS

Chief Frederick Douglas of Milford PD has awarded medals and commendations to three of his officers. Officer Dean Hardwick and his K-9 Zed received a Life Saving Medal and Commendation for their actions on July 9, 2004. They quickly located a suicidal woman who had fled to wooded area and was injured and unconscious, thereby saving her from potential further harm.

Officer Sean Plumer received a Life Saving Medal and Commendation for his actions on July 18, 2004. After learning that there was an occupant in a burning residence, Officer Plumer promptly entered the building and found the victim, who refused to leave. Further investigation indicated that she had set the fire in order to take her own life.

Officer Michael Dowd received an Honorable Service Medal and Commendation. On July 18, 2004, he entered a burning building to assist Officer Plumer in searching for occupants.

K-9 UNIT RETURNS TO GOFFSTOWN PD

After having the first K-9 unit in the state, Goffstown PD had to give up the program ten years ago. Now, with the arrival of Rex, a 5-year-old German Shepherd, Goffstown has a canine member of the department once again. Rex was donated to the department by the Working Dog Foundation and is handled by Officer Keith Chauvette. Chief Michael French has noted that Goffstown PD had to borrow dogs from other departments for various situations in which they were

needed. Rex was born and trained in Germany, so Officer Chauvette issues commands to Rex in German. Thanks to the generosity of Criminal Justice students at the NH Technical Institute, Rex has been fitted for free with a bullet-proof vest.

PITTSFIELD PD HAS BATS IN THE BELFRY

The officers of the Pittsfield Police Department have been sharing their quarters with bats. Built in 1910 as a school, the police station is a place where the bats feel at home, hanging from the lights and flying throughout the building. Chief Wharem and his officers have been trying various methods to keep them out, but so far, they're still in residence.



HUDSON PD TANGLES WITH AN ALLIGATOR

In the category of "be ready for anything," Hudson PD was called when a motorist spotted a 3-foot alligator roaming loose on Route 102. Officers managed to nab 9-month-old "Smiley" before he escaped. His owner was told he wouldn't be returned until there was a more secure area for him, but the man decided instead to donate Smiley to a good home – New England Reptile Distributors in Plaistow, that will use the alligator for educational purposes.

All About Coffee

Food historians believe that coffee cultivation first began in the 9th century when an Ethiopian goat herder noticed how energetic and spirited his animals were after nibbling on cherries growing on a tropical shrub. He boiled some in water and felt more lively himself, thus starting the worldwide craze for coffee. Interesting facts:



- According to the United States Department of Agriculture, the United States is the world's largest consumer of coffee, importing 2.5 billion pounds a year.
- The typical American coffee drinker consumes more than three cups of coffee a day.
- Almost all of the world's coffee is grown within 1,000 miles of the equator.
- Brazil is the largest coffee producer, growing more than a third of the world's supply.
- More than 50 countries grow coffee; it is the second largest export in the world after oil (in dollar value).
- The coffee industry employs 25 million people worldwide.
- A mature coffee shrub grows to 15 feet and produces 2,000 coffee cherries (which make one pound of coffee or 50 cups) per growing season.

LONDONDERRY SEEKS FT OFFICER

The Town of Londonderry, NH is seeking intelligent, motivated applicants for the position of Police Officer. The town offers a competitive salary and benefit package. The position requires shift work, including nights, weekends and holidays. Salary range, effective July 1, 2004, is \$38,014 to \$50,422. Applications may be obtained at the Londonderry Police Dept., 268 Mammoth Road, Londonderry, NH 03053, or call (603) 432-1145. Deadline to submit an application is September 17, 2004, at noon.

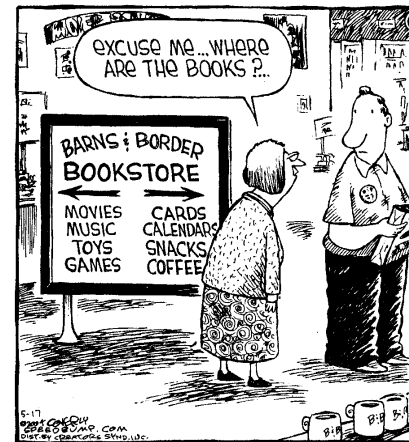
PLYMOUTH PD ACCEPTING APPLICATIONS

The Plymouth Police Dept. is currently accepting applications to establish an eligibility list for the position of Police Officer, full-time certification preferred but not required. They are looking for team-minded individuals interested in policing a traditional New England community, also home of Plymouth State University. They offer a negotiable starting wage of up to \$32,600 and a generous benefits package. The department offers specialized enforcement areas such as motorcycle patrol, bicycle patrol, special operations unit, and the chance to be utilized in an enhanced middle and high school participation effort. Portions of the hiring process may be waived depending on prior work history. Applications may be submitted until September 17, 2004. For more details, or an application, please call or write the Records Office, or Captain Steve Temperino, at: Plymouth Police Dept., 334 Main Street, Plymouth, NH 03264, (603) 536-1804.

HELP WANTED IN DANVILLE

The Town of Danville is accepting applications for the position of part-time police officer. Part-time certification is preferred, but not required. The hiring process includes a written exam, background investigation, interview, psychological evaluation, physical exam, and physical agility test. Applications are available at the Danville Town Hall or Kimball Safety Complex. Completed applications should be sent to the Selectmen's Administrative Assistant, PO Box 11, Danville, NH 03819. Closing date is September 30, 2004.

every show on TV. According to Nielsen, the company takes its samples from approximately 5,000 homes through electronic meters (called People Meters) attached to TV sets, VCRs, cable converter boxes, satellite dishes, and other video equipment. The meters record when the sets are turned on and to what station, and each member of the household presses a particular button on the People Meter whenever they are watching. As a result, Nielsen can determine not only which shows are being watched, but who is watching them. The information is transmitted to Nielsen Media Research's computers, where it is processed and released each day. A more intense process takes place during "sweeps" weeks in November, February, May, and July, when Nielsen asks people in about 1 million homes to record their TV viewing activity in a diary. Often, television networks will plan special programs during sweeps weeks to increase the number of viewers.



How the Nielsen TV Ratings Work

Television shows live or die by their ratings -- numbers that indicate how many people are watching. The company responsible for compiling those ratings is Nielsen Media Research, which provides an estimate of the audience for practically

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